

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR.

ORDER

Mohan Lal.

Versus

State of Rajasthan
& Anr.

S.B. Criminal Misc. Petition No. 236/2006
for quashing the FIR No.19 dated 22-1-2006
of Police Station, Sanchore, district Jalore.

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Date of Order:

September 13, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Mahesh Bora, for the petitioner.

Mr. Ashok Upadhyaya, Public Prosecutor for the State.

Mr. V.D. Dadhich, for the non-petitioner No.2.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No. 19 dated 22-1-2006, Police Station, Sanchore, district Jalore, for the offences under Section 447 IPC and Section 3 of the Prevention of Damage to the Public Property Act.

I have heard learned counsel for the petitioner and the Public Prosecutor for the State, as also the learned counsel for the non-petitioner No.2. Perused the FIR as also the police investigation diary. I have also carefully gone through the statement of Babu Lal and the site map etc. prepared by the police.

It is contended by the learned counsel for the petitioner that the petitioner is having a cabin at the bus depot, for which apprehending the threat from the Municipal Board, he filed a suit against the Municipal Board in the Court of the Civil Judge (Junior Division), Sanchore and on an application, interim stay has been granted, by which the municipal board has been restrained from causing any disturbance to the cabin of the petitioner and, therefore, the instant FIR is a counter to the case instituted by the petitioner.

Learned Public Prosecutor submits that the case has been instituted on the report of the contractor who was constructing the boundary wall and he is a witness to the occurrence and stated that it was the present petitioner who demolished the wall and caused damage to the public property.

On a careful perusal of the investigation diary, in my view, it is not a case which may warrant quashing of the FIR. The FIR was lodged by the contractor who stated that the boundary wall was demolished by the petitioner. Therefore, prima facie the FIR discloses commission of the cognizable offences and no case for quashing the FIR is made out.

The criminal miscellaneous petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs

